

REMARKS

Claims 12-20, 23-25, and 28-29 are now in the application. All of the claims stand rejected under Section 102 or Section 103. In addition, claims 12, 15-21 and 26 were objected to for reasons fully explained in the office action. Objection was also raised with regard to the abstract, this having been based on identification of grammatical errors.

Applicants have replaced the abstract herein and have amended the claims to overcome all of the objections and to more clearly define patentable subject matter. Based on these amendments and the following remarks which relate to the art rejections, the Examiner is requested to allow the claims.

Independent claims 12, 18 and 25, as well as dependent claims 13-16, 23-24 and 28-29 were all rejected under Section 102 based on WO/55740 (Rangarajan). In rejecting the independent claims, the Examiner has cited numerous passages from Rangarajan, but none of those passages expressly or inherently disclose each and every element as set forth in the claims. MPEP §2131 provides that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently, in a single prior art reference. The identical invention must be shown in as complete detail as contained in the claim.

In this regard, the rejection of claim 12 is now more certainly inapplicable because the claim expressly requires

“initiating a comparison of information by one of the components to compare release information of software controlling the service on each of the identified components when providing the identical software-controlled service;”

Rangarajan does not teach or suggest anything of the kind. Indeed a careful review of Rangarajan at pages 3, 6 and 7 confirms that such disclosure is totally absent from the reference. It is only the applicants who teach the above-quoted feature in combination with

“identifying at least some of the components providing the identical software-controlled service”

and in combination with

“initiating a software update for one component when a comparison identifies that the release on said one component is different from the release on another of the components.”

The combination of claim 12 is unique and is not taught or suggested by any combination of the prior art.

Independent claims 18 and 25 are also fully distinguished over the prior art. Claim 18 is patentably distinguished in part because it requires:

enabling the identical software-controlled service in a first of the communication components; and  
activating, or updating software pertaining to, the identical service in a second of the communication components **by downloading software pertaining to the identical service from the first communication component** to the second communication component [Emphasis Added].

Claim 25 is patentably distinguishable, among other reasons, because the combination includes

“providing an identical software-controlled service on a first servent communication component and a second servent communication component, the components communicating peer-to-peer;”

and further requires

“initiating a comparison by the first of the components to compare release information of the software controlling the service on at least the second component relative to software controlling the service on at least the first component; and  
if the releases are different, identifying a more up-to-date release installed on one of the communication components ...”

Still other distinctions are presented in claim 25. Moreover, each of the dependent claims presents a combination that further distinguishes over the prior art.

Claims 17 and 25 – 29 were rejected under Section 103 based on Rangarajan in

Serial No. 10/520,700  
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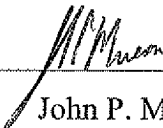
combination with common knowledge or the Gnutella Protocol Specification. It is respectfully submitted that none of the prior art, alone or in combination, now meets the terms set forth in the amended claims. Accordingly, the foregoing rejections are moot and the claims rejected under Section 103 should now be allowed. If the examiner concludes otherwise, the Examiner is requested to provide express citation to any art which might form a basis for a valid rejection. There is simply no combination which results in the claimed teachings. For example, it would be incumbent upon the Examiner to demonstrate a teaching or suggestion to have the "servents" of claim 25 provide upgrades to software. Mere allegations, such as presented at page 15 of the office action, that this would be obvious fall short of the standard under Section 103. More must be found in the references to support a rejection.

#### Conclusion

In view of the above amendments and argument, allowance of the application is requested. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 ©, 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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